

ENTERED

November 16, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:17-CR-382
	§	
JOHN NOYOLA	§	

ORDER


Pending is Defendant John Noyola's motion for a bond hearing. (D.E 65). The motion has been referred to the undersigned magistrate judge. The basic history of Mr. Noyola's efforts to be released on bond are as follows.

On June 1, 2017, Mr. Noyola was arrested at the Falfurrias Border Patrol checkpoint when agents found 25 undocumented aliens in the trailer of the tractor trailer he was driving. On June 7, 2017, over the Government's objection, the undersigned set a \$30,000 bond requiring a \$1,500 cash deposit and other conditions. The Government appealed the decision to United States District Judge Nelva Gonzales Ramos. On June 20, 2017, Judge Ramos granted the Government's appeal and ordered the defendant detained pending trial. Judge Ramos noted the defendant being on bond for a pending felony case in Kleberg County, Texas, the defendant's substance abuse history, his criminal history including drug trafficking, and the facts of the present case. The case has been continued a number of times for a variety of reasons, most recently because of allegations of witness tampering or intimidation.

During a scheduling conference on November 9, 2017, the Court granted the Government's motion for continuance and granted counsel for defendant leave to file a motion to reopen the detention hearing. On November 13, 2017, counsel for defendant filed the pending motion to reopen the detention hearing which has been referred to the undersigned. (D.E. 65). On November 16, 2017, a hearing was held at which counsel for the Government, counsel for the defendant and the defendant appeared in person. The Government opposed the defendant being released on bond and argued the recent allegations of witnesses being intimidated is an additional factor warranting detention. Among the matters presented by defense counsel include the number of continuances, the length of the defendant's pretrial detention and the defendant's supportive family. Additionally, defense counsel notes instances of inconsistencies in witness testimony and argued there are important credibility problems with some of the Government's witnesses.

The undersigned has considered the parties' arguments and proffers and finds the circumstances requiring the defendant's detention have not changed. Therefore, the defendant's motion to be released on bond is DENIED. The defendant shall remain detained pending trial.

ORDERED this 16th day of November, 2017.


Jason B. Libby
United States Magistrate Judge